

# **EXHIBIT 5**

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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

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HUNTERS CAPITAL, LLC, et al.,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	No. 20-cv-00983-TSZ
	)	
CITY OF SEATTLE,	)	
	)	
Defendant.	)	

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VIDEOTAPED VIDEOCONFERENCE 30(b)(6) AND INDIVIDUAL  
DEPOSITION UPON ORAL EXAMINATION OF  
CITY OF SEATTLE  
(SAMUEL ZIMBABWE)

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Seattle, Washington

(All participants appeared via videoconference.)

DATE TAKEN: OCTOBER 28, 2021

REPORTED BY: CINDY M. KOCH, RPR, CRR, CCR #2357

1           The -- after -- and as part of the crowd  
2 control approach, prior to June 8th, there were some  
3 typical traffic control barriers, what we call water  
4 filled barriers.

5           They're the generally orange and white barriers  
6 that we use on a regular basis. And they're plastic,  
7 they get filled with water, and they become sort of  
8 immovable. They can -- they can help separate vehicles  
9 from pedestrians.

10           So those were -- SDOT had provided those,  
11 worked with -- with Seattle Police Department to provide  
12 those as part of the crowd control approach prior to  
13 June -- June 8th.

14           After June 9th, there were -- and really there  
15 were -- not for another few days, we did provide some  
16 other barrier -- barriers that were intended to provide  
17 some regular traffic patterns between the area that  
18 people were protesting and areas that were open for  
19 vehicular traffic.

20           And those included some concrete blocks that we  
21 commonly refer to as ecology blocks, and then some other  
22 traffic control devices.

23           Q. Okay. So there were -- there had been some  
24 protests prior to June 8th or June 9th in the area  
25 around the East Precinct in Cal Anderson Park; right?

1 A. That's right.

2 Q. Okay. And there had been some barriers that  
3 had been used by the City and the police department in  
4 that area as well with relation to those prior protests;  
5 right?

6 A. That's right.

7 Q. Okay. And those included -- those included the  
8 water filled barriers that you were talking about?

9 A. Yes.

10 Q. So were those -- are those large orange  
11 barriers that are filled with water typically?

12 A. Yes.

13 Q. Okay. About how big are there?

14 A. They're about six feet long each, and about  
15 two and a half to three feet tall.

16 Q. Okay.

17 A. They're similar in size to what a Jersey  
18 barrier -- you know, a concrete Jersey barrier would be,  
19 but they are more easily moved. And then once they're  
20 filled with water, they're generally not as movable.

21 Q. Okay. What's the difference between a Jersey  
22 barrier and an ecology block? I've been trying to  
23 figure this out, but you're the man, so --

24 A. Yeah. Sure. So Jersey barriers are -- are  
25 concrete barriers that are often used in a highway

1 each other and used as sort of a retaining wall sort  
2 of -- part of a retaining wall deployment.

3 Q. Okay. How -- how large and heavy are the  
4 ecology blocks?

5 A. So the ecology blocks are -- they come in some  
6 different sizes, but they're typically about two feet  
7 tall, three feet long, and two feet deep.

8 Q. Okay. Do you know how heavy they are?

9 A. They're multiple hundred pounds. I mean, we --  
10 when we move them, we use a piece of construction  
11 equipment to move them. They're not something that  
12 individuals can move.

13 Q. Okay. Okay. So going back to before we were  
14 clarifying what kind of barriers we're talking about,  
15 so -- so prior to the evening of June 8th, were -- there  
16 were -- were there -- were there Jersey barriers in the  
17 area of the East Precinct?

18 A. You know, I believe that there were a few  
19 ecology blocks that had been provided by SDOT very close  
20 to the precinct itself, but not as part of the crowd  
21 control approach.

22 Q. Okay. What were they -- what were they there  
23 for?

24 A. You know, I'm -- I'm not exactly sure what they  
25 were there for. But they were, you know, very close to

1 the precinct itself.

2 Q. Okay. And were there other things that had  
3 been used as barriers that were in the area on the night  
4 of June 8th, like bicycle racks and that sort of thing?

5 A. Yeah, I believe that there had been some what  
6 are commonly called bicycle rack barriers. Those are  
7 the sort of metal fencing that I think are -- are pretty  
8 standard crowd control -- also used in crowd control  
9 situations, but they can be used as bicycle racks as  
10 well.

11 And then I believe that there were some other  
12 sort of black metal concert -- barriers that are  
13 typically used for concert fencing, that were not SDOT  
14 provided, but they were -- they were present there.

15 Q. Okay. And on the night of June 8th into  
16 June 9th, those barriers that were there had been moved  
17 by people in the area; is that correct?

18 A. That's correct.

19 Q. And they were blocking certain streets and  
20 sidewalks at that point, on the morning of June 9th?

21 A. Yeah. So at -- at the point -- you know, I --  
22 I went to that area for the first time on June 9th.  
23 When I arrived there, there were all sort of -- all sort  
24 of manner of barricades that had been set up by -- by  
25 both protest groups and individuals.

1 And they included the materials that we've  
2 talked about, and then they included some other -- other  
3 things as well. I think there were some bleachers from  
4 Cal Anderson Park that had moved -- been moved into  
5 various places.

6 There were some dumpsters that had been moved  
7 around. There was a variety of different things that  
8 were -- had been moved into -- into creating sort of  
9 barricades that blocked different places within the --  
10 that area.

11 Q. Okay. So there were streets -- areas that were  
12 blocked off included streets and sidewalks; is that  
13 right?

14 A. Yeah, I -- you know, I don't remember there  
15 being sidewalks that were blocked off.

16 Q. Okay.

17 A. And there were certain -- certain streets that  
18 were blocked off, and then there were certain streets  
19 that were -- remained open.

20 Q. And we're -- we're still talking about the  
21 morning of June 9th; right?

22 A. Yes.

23 Q. Okay. At some point did -- were there  
24 blockages of sidewalks in the month of June, between  
25 June 9th and July 1, 2020?

1 requirements get applied to -- to temporary blockages in  
2 particular.

3 And so the -- it -- we close sidewalks at  
4 various points for construction activities or things  
5 like that. And we -- we put out a sign that says  
6 "Sidewalk closed," and use the sidewalk -- use the  
7 crosswalk here, and we provide a path of travel. But a  
8 sidewalk can be blocked for -- for a temporary period or  
9 for a permanent period. I mean, we can have a sidewalk  
10 blocked.

11 BY MR. WEAVER:

12 Q. Do you know why you would have said that we  
13 need all sidewalks open and free of barriers to meet ADA  
14 requirements? What did you understand that -- what was  
15 your understanding of what ADA requirements required in  
16 this particular circumstance?

17 A. Yeah, so I -- you know, if we were -- if we  
18 weren't doing that, if we weren't setting up and saying  
19 "Sidewalk closed," and -- and providing an alternative  
20 path of travel, then we needed to have those sidewalks  
21 open. And it wasn't our intention to officially close  
22 the sidewalks, and so therefore we needed to maintain  
23 access.

24 Q. Okay. Were there -- were there any street  
25 inspectors assigned to the area around the East Precinct



1 and Cal Anderson Park in the period of June 8th to  
2 July 1, 2020?

3 MR. CRAMER: Objection. Form.  
4 Go ahead.

5 A. We do have street use inspectors assigned to  
6 every part of the city, and they go and visit regularly  
7 permitted activities. And then they also, as part of  
8 their role, look for potentially unpermitted activities  
9 as well.

10 We had -- you know, there were a series --  
11 leading up to June 8th, there were a series of -- of  
12 protests that were occurring in that general area at  
13 various times of day.

14 And so we had asked our -- a lot of our staff,  
15 who were doing regular activities within the  
16 right-of-way, to pull -- to -- to not go there just  
17 because of the unpredictability of the -- of when the  
18 protests would -- would happen. And there would  
19 sometimes -- there would sometimes be temporary  
20 blockages of streets with the protest activities.

21 So people were still taking care of our basic  
22 responsibilities, but we -- if -- if they didn't need to  
23 be there, we were asking them not to be there on a  
24 regular basis.

25 /////

1 BY MR. WEAVER:

2 Q. Why were you asking them not to be there on a  
3 regular basis during that time?

4 A. Because their activities could be -- their  
5 activities could be interrupted by some of the protest  
6 activities. And so, you know, just as a way to not have  
7 them have their daily work interrupted by -- by being in  
8 the midst of a -- of a protest, we sort of re- --  
9 reallocated what they were asked to do.

10 Q. Okay. In addition to the barriers that we  
11 already talked about and things that were obstructing  
12 the area at that time, do you recall there being -- do  
13 you recall there being barriers such as cars that were  
14 added to the area?

15 MR. CRAMER: Objection. Form.

16 BY MR. WEAVER:

17 Q. Do you recall there being cars parked in the  
18 street, that were blocking the streets?

19 A. Not by the City. There were --

20 Q. No, I'm -- I'm not talking about from -- by the  
21 City.

22 A. Okay. Yeah, there were times when there were  
23 cars put in -- in the way of street traffic by the -- by  
24 the folks protesting.

25 Q. By the way, who -- who were the -- do you know

1 who the street inspectors were that were assigned to the  
2 Cal Anderson and East Precinct area in the month of June  
3 2020?

4 A. I don't. But -- I -- I don't recall. It's a  
5 regular assignment. It wasn't anything unusual. And  
6 they're -- just to make sure I clarify, our inspectors  
7 are not assigned to parks facilities. So our inspectors  
8 are responsible for the SDOT right-of-way, the  
9 transportation right-of-way, not for any park  
10 activities.

11 Q. Sure. So when I -- when I talk about the area  
12 around the East Precinct and the -- and Cal Anderson  
13 Park, I'm not -- you know, I'll -- I understand -- thank  
14 you for the clarification -- that doesn't -- your  
15 jurisdiction doesn't include the park, but there's  
16 obviously streets around the park as well. So that --

17 A. Sure.

18 Q. -- that's included when I'm saying that,  
19 just -- just to be clear.

20 So do you -- do you recall also seeing, during  
21 the month of June 2020, what I guess I will say are  
22 market booths that had been set up, private market  
23 booths on the streets and sidewalks in that area?

24 A. Yes, I do.

25 Q. So those were in the streets and the sidewalks

1 as well?

2 A. Yes.

3 Q. Okay. Do you recall there being people around  
4 these various barriers in the streets and sidewalks as  
5 well?

6 MR. CRAMER: Objection. Form.

7 A. I do. There were people that -- yes, I do.

8 BY MR. WEAVER:

9 Q. Do you recall that there were people who  
10 appeared to be appointed as guards of the various  
11 barriers in the area?

12 A. I think there were -- yes. I would say there  
13 were people who were assigned as sort of -- to -- to  
14 watch what had been established by a protest group as  
15 sort of a -- an area around the East Precinct. "Guards"  
16 is maybe a little bit of an overstatement, from what I  
17 saw.

18 Q. Okay. Were some of them armed, that you saw?

19 A. I don't recall if they were armed. You know,  
20 I -- there were a few times when I did see firearms in  
21 the -- in the area that we're talking about, but not --  
22 not brandished in any way. So -- but there were --  
23 there were times when people were open carrying.

24 Q. Okay. What sort of weapons did you see open  
25 carried in the June 2020 --

1 BY MR. WEAVER:

2 Q. Okay. Which ones was -- which ones did the  
3 City allow?

4 A. So there -- there were -- this is not on  
5 June 9th. This is -- or June 11th. This was after we  
6 regularized a traffic pattern for -- for the area in  
7 order to -- to -- to provide a regular, standard traffic  
8 pattern.

9 There were City-provided barriers, the ecology  
10 blocks, some of the other traffic control devices that  
11 were present, that we allowed. Other things that were  
12 not -- not -- not those regular devices, using things  
13 like cars to temporarily block a street or something  
14 like that, were not at any point allowed by the City.

15 Q. Okay. Did the City remove things such as the  
16 cars that were parked in the area?

17 A. We did not prohibit any parking in the area.

18 Q. Okay. Including in the middle of a street; is  
19 that correct?

20 A. We did not remove vehicles from the middle of  
21 the street.

22 Q. Okay. What obstructions of the streets and  
23 sidewalks did the City remove?

24 A. So we did remove the -- there -- some of those  
25 initial items that had been rearranged by protesters,

1 into construction equipment that our operators were --  
2 were operating. We had people lie on top of some of  
3 those ecology block barriers and -- and sort of block  
4 access to what the construction equipment needed to  
5 attach to.

6 We had some crowds forming around -- around  
7 some of our construction workers seeking to do -- do  
8 their work, and they would -- we would sort of get  
9 followed around some of the -- the site, being yelled at  
10 and things like that. Not -- not physical assault on  
11 our employees.

12 Q. So you talked earlier about how there was a  
13 removal of some barriers and some addition of eco  
14 barriers to the area by SDOT.

15 Do you recall that?

16 A. Yes.

17 Q. Okay. What do you recall about that process?

18 A. So what I recall is that, the morning of  
19 June 9th, myself, Fire Chief Harold Scoggins, the  
20 general manager of Seattle Public Utilities Mami Hara,  
21 and I, and maybe a few other people sort of all came to  
22 the 12th and Pine intersection to survey the -- the  
23 area, to understand what was going on, what the  
24 conditions were. That's what led to Chief Scoggins'  
25 email, the email that we discussed, Exhibit 3.

1 Over the course of the next few days, leading  
2 through the weekend, that weekend, we worked to develop  
3 a -- what we felt was a traffic control plan that would  
4 meet all of the City's and the adjacent property owners'  
5 needs for services and property access, but also sort of  
6 regularized a protest area that might stay closed to  
7 normal street operations for the period that the  
8 protests would be active.

9 And at that point we were continually working  
10 to -- to de-escalate the conflict, and so we didn't have  
11 a fixed timeline of how long that would need to be put  
12 in place.

13 So we felt like it was a -- an operation that  
14 would need to potentially operate in this form for sort  
15 of an indeterminate period of time as we worked on  
16 de-escalating the situation.

17 So that plan was developed over the course of  
18 that week, and there were a series of meetings that  
19 included protest leaders and some conversations with  
20 businesses and residents in the area as well. And there  
21 were some informal and formal meetings of those groups.

22 Q. Okay. There was a lot there, so I'm going to  
23 ask you -- I'm going to ask you a few follow-ups. Okay?

24 A. Yes.

25 Q. So about the indeterminate period of time, when

1 the City went in and changed the footprint of the  
2 protest area, was there any discussion about how long it  
3 was anticipated that that might be in place?

4 A. I don't recall there being a discussion of  
5 that.

6 Q. Was there any discussion about a deadline by  
7 which the barriers that had just been placed would need  
8 to be removed?

9 A. The -- and just to make sure we're on the --  
10 we're talking about the same thing, I'm talking about  
11 the -- when SDOT provided ecology blocks and sort of  
12 regularized the traffic control, we did not have a  
13 deadline by which that would be removed.

14 And so in creating that traffic control plan,  
15 we worked to make sure that all of the driveways and  
16 business access could be maintained without need for any  
17 special kind of operations.

18 It was all sort of within a regular -- what we  
19 would have determined if -- if there were a need for a  
20 long-term closure for construction activities or some  
21 other -- some other activity beyond protests, it would  
22 have been fine for the streets to operate in that way.

23 Q. So I -- yeah, that's what I was talking about.  
24 And my understanding is that those changes were made on  
25 June 16th or 17th, or maybe both; is that correct?



1 A. Yeah, that's -- that's my recollection as well.

2 Q. Okay. And so tell me what that specific  
3 process of creating that area and -- and those barriers  
4 on the 16th and 17th, what that entailed, the physical  
5 process.

6 A. The -- maybe -- okay. Let me make sure I --  
7 the physical process. So we -- you know, what we did --  
8 let me -- let me just talk through a little bit of what  
9 the traffic pattern was, and then we can talk about how  
10 we did it.

11 So when we -- what we regularized still  
12 included some street closures. So Pine Street remained  
13 closed between 10th and 11th Avenues. 11th Avenue did  
14 not connect across Pine any longer. It was sort of a  
15 temporary blockage of the intersection through. And  
16 then Pine, between 11th and 12th Avenues, was turned  
17 into a one-way street westbound, from being a two-way  
18 street prior.

19 Other than that, all -- all streets reopened to  
20 vehicular access. In the process of doing that, we --  
21 we brought to the site and installed the concrete  
22 ecology block barriers.

23 We also installed some new traffic control. We  
24 installed, I believe, a stop sign at 12th and Pine,  
25 which previously would have been controlled by a traffic

1 signal, some one-way signs, some other -- other signage  
2 that went into the area that regularized that traffic  
3 control plan.

4 Q. Okay. How many ecology blocks did SDOT move  
5 into the area on June 16th or 17th?

6 A. I don't recall the specific number, but it  
7 was -- it would have been 50 to 100 ecology blocks.

8 Q. Okay.

9 A. I mean, I'm sure we can provide a precise  
10 number, but I don't -- I don't recall.

11 Q. The streets that were one-way in the area  
12 and -- were they local access only?

13 A. We did have signs that said local access only,  
14 and those were a standard sign that we provide. It's  
15 called a Type 3 barrier, that has -- that says "Street  
16 closed" and "Local access only."

17 And the purpose of that, for us, is to  
18 communicate to people driving that they should only go  
19 through if they -- if they need to, but if they have  
20 business within that area, that's what local access  
21 means, that it's open for local access.

22 Q. Okay. So where were the local access only  
23 signs, if you recall?

24 A. So they were at the perimeter of -- of, you  
25 know, where -- where we were -- where we had changed

1 some of the traffic patterns. So I recall them being  
2 at -- on the north side, they would have been at Olive,  
3 so at 11th and 12th and Olive.

4 Q. Uh-huh.

5 A. There may have been one set that was one block  
6 farther north. The -- there were some at Pike, at both  
7 11th and 12th. There may have been one at 13th and  
8 Pine. And then there may have been one at 10th and Pike  
9 as well.

10 Q. Why -- why was the area declared local access  
11 only?

12 MR. CRAMER: Objection. Form as to "area."

13 A. So, you know, we were -- what we -- we were  
14 trying to limit the amount and the opportunity for  
15 vehicle and pedestrian conflict, even after that  
16 June 16th timeline.

17 There were times of day and times of protest  
18 activity where there were a lot of pedestrians that were  
19 sort of too many people for the sidewalks to contain.  
20 And so we -- and we had had an incident, I think before  
21 June 8th, where a vehicle had driven into a crowd of  
22 protesters.

23 And so we were trying, again, as part of that  
24 approach to de-escalating and reducing some of the  
25 conflict, to maintain that separation between vehicles

1 that didn't need to be in the area and those -- those  
2 protest activities.

3 And so the local access was just another way  
4 to -- to communicate that to people who maybe didn't  
5 know what area of the city they were in, that they  
6 didn't -- if they didn't need to come through that way,  
7 that they -- they didn't -- they -- that they probably  
8 shouldn't. While also saying, if you have something to  
9 do here, you're freely welcome to come in.

10 BY MR. WEAVER:

11 Q. Okay. So there was a recognition that, despite  
12 the footprint of the barrier, there was probably going  
13 to be spillover as far as pedestrians and protests  
14 outside those barriers at certain times as well; is that  
15 correct?

16 A. That's what we experienced in the days leading  
17 up to that -- you know, in that first week, when there  
18 were no real traffic control separations, that we -- we  
19 did see some of that activity happening. So yes.

20 Q. Okay. And you were anticipating that was going  
21 to continue to happen; correct?

22 A. That there was the possibility of that, yes.

23 Q. And did it -- did that in fact happen after the  
24 barriers were shuffled around and added on June 16th and  
25 17th?

1 MR. CRAMER: Objection. Form.

2 A. I mean, you know, I would -- I would come to  
3 the site pretty frequently throughout that whole month  
4 of June, or for -- starting on June 9th, and there were  
5 times when I saw a lot of people there, and there were  
6 times when, you know, the -- the areas even that we had  
7 set aside for sort of more ongoing protest activities  
8 weren't sufficient to contain the number of pedestrians  
9 and people protesting.

10 And so I do think that having the streets be  
11 local access only limited the ability for  
12 vehicle-pedestrian conflicts.

13 BY MR. WEAVER:

14 Q. Okay. Did SDOT also put into place speed bumps  
15 in the area in and around the East Precinct and Cal  
16 Anderson?

17 A. We did. They -- you know, they were not  
18 traditional speed bumps. They were -- they -- we --  
19 they're what's called a quick curb that served the  
20 purpose of what a speed hump would do, but were  
21 something that was -- you know, our typical speed humps  
22 are done with asphalt and have a more substantial  
23 construction impact and eventual removal impact.

24 We didn't anticipate that those would stay  
25 forever, and so we used a sort of temporary approach to

1 those, but we did have a few places where we -- we did  
2 install those, particularly around the intersection of  
3 12th and Pine.

4 Q. Okay. Do you recall other areas where you had  
5 temporary speed humps?

6 A. I don't.

7 Q. Okay. Why, in particular, were they around  
8 12th and Pine?

9 A. So 12th and Pine has a traffic signal usually.  
10 We had put in a stop sign instead. We did see -- and  
11 that's where we had the sort of ecology block barriers,  
12 and we changed some of the -- the directionality of the  
13 streets.

14 We did see some vehicles, as we opened those  
15 streets back up to traffic, driving quickly, so we  
16 don't -- we didn't need to -- we wanted people to drive  
17 slowly and anticipate that there could be more  
18 pedestrians that they weren't expecting to be in the --  
19 the -- you know, crossing the street. And we had  
20 changed the traffic pattern to have that stop sign  
21 rather than a -- a traffic signal.

22 MR. WEAVER: Okay. I can't believe it.  
23 We've been going about an hour. Want to take a  
24 ten-minute break?

25 MR. CRAMER: Yeah. Yeah, let's take ten.

1 what -- she had not been involved in the -- outside of  
2 her area of -- of responsibilities within SDOT, but she  
3 was representing SDOT with external stakeholders, and  
4 asked me what -- if it came up, what she should say.

5 Q. Okay. And so you drafted these talking points  
6 for her; is that right?

7 A. I did.

8 Q. Okay. So in the fourth bullet point of your  
9 talking points, you say, "SDOT worked to install  
10 barriers to create a protest zone."

11 And then in the sixth bullet point, you say,  
12 "Definitely new activities for our crews in terms of  
13 creating this zone."

14 What did you mean by "creating this zone" and  
15 "create a protest zone"?

16 MR. CRAMER: Objection. Form.

17 A. So I guess, going back to my previous answer on  
18 this, we worked to create some additional pedestrian  
19 space or -- that was used for protest activities.  
20 Again, centered on the East Precinct, but also including  
21 some of the areas adjacent to Cal Anderson Park, that  
22 were -- that, you know, sort of expanded the -- the  
23 pedestrian space, while also creating that separation  
24 between vehicular traffic.

25 In terms of the sixth bullet and new activities

1 for our crews, the -- I don't think that we've done  
2 anything similar to this before or since. Typically,  
3 when we've used things like water filled barriers to  
4 create some of these separations or we've done temporary  
5 street closures or things like that, we've had an  
6 expectation that those materials that we use and provide  
7 and install will stay in the pattern that -- that we've  
8 installed them.

9 What we saw prior to June 16th and 17th was  
10 that materials that we had -- had deployed for those --  
11 you know, for the -- the crowd control and things like  
12 that had moved -- had been moved, and additional  
13 materials added.

14 So we didn't want to -- we wanted to -- we --  
15 we needed to find some new vocabulary of -- of  
16 separation that would be -- would -- would accomplish  
17 our -- our goal of de-escalation and creating some of  
18 that additional area for protests -- protests to happen  
19 without being redeployed and moved in ways that we  
20 hadn't intended.

21 BY MR. WEAVER:

22 Q. Okay. And that -- the moving in area -- in  
23 ways that you had not intended, as far as the barriers  
24 that were there, that continued after June 16th and  
25 17th, as well; correct?



1           A. It did at various points, and -- yeah, there --  
2           there were some various times when -- when -- when --  
3           when that would happen. You know, I think that the --  
4           that is -- you know, that -- that's, like -- that was  
5           one of the -- the challenges that we faced in terms of  
6           how -- you know, creating that regularized traffic  
7           pattern, while -- while we -- you know, so it was really  
8           intermittent.

9           I think that this -- this email also sort of  
10          highlights some of that, that there were some  
11          intermittent challenges that -- that could be resolved  
12          with -- with conversation and -- and discussion about --  
13          but not -- but that -- that created ongoing operational  
14          challenges for us as a department.

15          Q. So there were ongoing operational challenges  
16          because at some -- at some points various barriers would  
17          show up in areas that they had not previously been  
18          placed; is that right?

19          A. Yeah, you know, there would be sort of minor  
20          moving of barriers. The -- the ecology blocks didn't  
21          really -- didn't move until sort of the -- the very,  
22          very end of the time when the -- they were -- they were  
23          deployed out there. They're very challenging to move.  
24          But there were other -- other materials that would get  
25          sort of moved around on a -- on a regular basis.

1 Q. What were -- what were some of those materials  
2 that would get moved around?

3 A. So as part of the installation on June 16th and  
4 17th, we also installed some plywood boxes or covers  
5 around the ecology blocks, and those were intended to  
6 serve a few purposes.

7 The first was that they were -- they were  
8 opportunities for art to happen, and sort of canvass, if  
9 you will, for some of the -- the protest art. And that  
10 was something that, as we talked to the protest leaders  
11 that we -- we were communicating with in the lead-up to  
12 that, they felt like the art was a positive aspect of  
13 the -- what was -- what was happening in that protest  
14 area and was an opportunity.

15 We also -- you know, there had been a lot of  
16 graffiti and lots of -- on lots of private buildings,  
17 and so this was also part of our attempt to attract some  
18 of that activity to -- off of private property and  
19 buildings into -- into this. So those plywood boxes  
20 were serving some of that function.

21 The second function is that the -- the easiest  
22 way to move an ecology block is, there's a sort of metal  
23 ring that's on the top, is set into the concrete, that  
24 you attach a chain from a construction -- a piece of  
25 construction equipment, and that -- you're able to lift

1 it up.

2 So the -- some of the plywood box was intended  
3 to limit access to those -- those rings, which are the  
4 easiest way to move a -- move an ecology block and make  
5 it sort of so that other people couldn't come and access  
6 that in a very easy way.

7 And then I think there were -- there were some  
8 members of the protest group who were concerned that  
9 outside -- outside actors wished them harm, wished --  
10 you know, they were -- there was a lot of -- among some  
11 of them, there was a lot of concern that people were  
12 going to come and try to do harm to the people  
13 protesting.

14 And so there was a -- the ecology block  
15 barriers are very low. They're about two feet tall.  
16 And so the plywood barriers helped to prevent a little  
17 bit of, like, being able to see into the -- into the  
18 area where people were -- were protesting and -- and,  
19 you know, sometimes sleeping overnight and things like  
20 that.

21 So that was the -- the purpose of those. Those  
22 plywood barrier -- plywood components, eventually the  
23 protesters sort of figured out how they could remove  
24 those from some of the barrier -- the ecology blocks,  
25 and -- and those sort of boxes would get moved around at

1 various points.

2 Q. So those boxes would be used as barriers. Is  
3 that what you're saying?

4 A. Yeah. They were then -- you know, it was a --  
5 a couple sheets of plywood that were about two feet --  
6 you know, two feet by three feet by another two or --  
7 two feet tall or so. And so those are pretty easily  
8 movable to move into a place and then to also move out  
9 of a -- you know, move away from -- from any kind of  
10 obstruction.

11 Q. Okay. So I just want -- just want to be clear  
12 for the visual aspect of it. Okay? So when the ecology  
13 blocks were moved in on June 16th and 17th, they also  
14 had plywood sheaths over the top of them; right?

15 A. That's right.

16 Q. And that was a constructed box that had four  
17 sides around it, and then a -- another piece of plywood  
18 on top?

19 A. Most of them had a top on them. Some of them  
20 did not.

21 Q. Okay. And was that the protesters' suggestion,  
22 or was it the -- was it SDOT's recommendation, that  
23 those be placed there?

24 A. I think we came to that through some  
25 conversations. I think it was -- it was -- as I

1 is that right?

2 A. That's right.

3 Q. What had changed that made it so that you went  
4 to the area that you had not been to previously?

5 A. You know, I think I was -- I was monitoring the  
6 protest activities and the -- and sort of what was going  
7 on, but the -- you know, what I -- what I read and --  
8 and heard in sort of the news reports and some of the  
9 responses was that the protests had -- protesters had  
10 taken over streets, and I felt like it was my -- part of  
11 my responsibilities, as the director of SDOT, to have a  
12 firsthand account of that and understand what the  
13 situation was on the ground.

14 Q. So did anybody from the mayor's office or  
15 anybody else in the City ask you to go down there?

16 A. I don't believe so.

17 Q. So what did -- what did you do -- what did --  
18 for -- what did you do when you went to the area on --  
19 on the morning of June 9th?

20 A. So I went there and walked into the -- the area  
21 that had sort of been occupied by protesters overnight,  
22 June 8th to June 9th, and tried to get a sense for what  
23 was -- what was going on.

24 I believe that Fire Chief Harold Scoggins and  
25 SPU general manager Mami Hara and I all sort of got

1 there around the same time, and we connected with each  
2 other.

3 You know, we are the three -- three agencies  
4 that are the largest set of public responsibilities in  
5 terms of services and access and emergency response.  
6 And so I think the three of us all felt like it was  
7 something -- something important for us to understand.

8 This was a -- you know, not something that any  
9 of the three of us had had to -- well, I can't speak for  
10 them, but not something that I had had to experience  
11 in -- in my previous experience with the City or even  
12 in -- in some of my previous employment. I've dealt  
13 with a lot of First Amendment activities and -- and  
14 protests and various things, but not something of this  
15 nature.

16 Q. Okay. What did you see that was different than  
17 what you had dealt with previously in your career?

18 A. So the use of -- you know, the use of  
19 improvised barricades to block off streets was -- was  
20 something that was very new. You know, my experience  
21 with protest activities in particular has been that  
22 there's a -- you know, a designated route or  
23 communication about where those -- where those  
24 activities are going to be, and then sort of a temporary  
25 accommodation of those, sometimes with traffic control

1 devices and sometimes not, that provides some regularity  
2 and predictability.

3 And this was improvised and -- and sort of  
4 not -- wouldn't have met our -- what our -- what our  
5 standard response was to a -- to a protest. And the --  
6 again, I'm specifically talking about like the morning  
7 of June 9th.

8 Q. What would your standard response to a protest  
9 would have been?

10 A. Yeah, so, you know, I think we -- if -- if we  
11 are aware of where a protest is going to happen, then  
12 we -- you know, we can work with -- and there's a sort  
13 of organized leadership of a protest, we could work with  
14 that.

15 We do -- we permit street closures very  
16 frequently for community gatherings or events or things  
17 like that. So we could work with that entity in sort of  
18 providing that regular -- more regular approach to  
19 traffic control.

20 Q. So there was no permitting process for the  
21 blockage of the streets on June 9th through July 1,  
22 2020; is that right?

23 A. That's correct.

24 Q. Okay. Was there ever any discussion of  
25 requiring the people in that area to have a permit to

1 protest and occupy the area?

2 MR. CRAMER: Objection. Foundation.

3 A. I don't -- I -- I did not participate in any  
4 conversation like that.

5 BY MR. WEAVER:

6 Q. Okay. Were you involved in any permitting  
7 process in that time period for this area?

8 A. (No verbal response.)

9 Q. Just so you -- just so you know, you have to --  
10 you have to actually speak it so the court reporter can  
11 get it.

12 A. No, I was not.

13 Q. Okay. I'm going to pull up an exhibit. Just  
14 give me a minute.

15 While I'm doing that, did you talk to anybody  
16 on the -- on the morning of the 9th who was a -- who you  
17 considered to be a protester?

18 A. I believe I did, yep. Yes.

19 Q. Okay. What did you talk to them about?

20 A. You know, I -- my purpose in those  
21 conversations from June 9th, anytime I was there  
22 throughout the month of June, was making sure that we  
23 had streets open and that people, goods, and services  
24 could access that area.

25 And then communicating my desire for continued



1 access, service access, people and goods to move freely  
2 throughout the area, but also set some -- you know,  
3 modify traffic patterns in a way that also worked with  
4 the protest organizers.

5 Q. So on June 9th, when you first went and saw it,  
6 would you agree that there were -- there was blocked  
7 access to a number of roads in the area?

8 MR. CRAMER: Objection. Form. Vague.

9 A. So there were -- yeah, you know, as I said,  
10 when I got there on June 9th, I walked into the area  
11 unimpeded. I did see places where streets were either  
12 completely or partially blocked with that sort of debris  
13 and improvised -- improvised barricades.

14 BY MR. WEAVER:

15 Q. Okay. So the streets were blocked to vehicular  
16 traffic; is that correct?

17 MR. CRAMER: Objection. Form.

18 A. Yeah, and I would say that it was -- it was --  
19 I don't -- you know, I'm not sure I recall exactly the  
20 traffic pattern at the time, but there were some streets  
21 that were completely blocked, and there were others that  
22 were partially open or -- or completely open.

23 BY MR. WEAVER:

24 Q. Okay. I don't think we talked about it before,  
25 but were there dumpsters that were also being used at

1 Q. Okay. So I'd like you to look at a text that  
2 you sent at 8:03 p.m. on June 9th.

3 Hold on just a minute.

4 (Pause in proceedings.)

5 BY MR. WEAVER:

6 Q. Okay. You said here that you don't want to put  
7 anyone in an unsafe situation. Did you consider, on  
8 June 9th, that the area in and around the East Precinct  
9 and Cal Anderson might be an unsafe situation for SDOT  
10 workers?

11 A. Well, I guess I would go to the previous text  
12 message that Rodney sent to me, that said that some  
13 employees expressed concern to us about the lack of SPD  
14 presence as on-site security.

15 And so I don't think that I would have -- I did  
16 not consider it to be unsafe. That's why I was there  
17 personally, and I was present throughout this -- this  
18 time.

19 But I also respected the feelings of the -- the  
20 people that I was asking to do this work. I think in  
21 that text message that you reference, the 8:03 p.m. one,  
22 I said, "I recognize that Otis and Spencer" -- who are  
23 two of these -- two of the -- our crew members --  
24 "almost got into it with that one guy."

25 So that was a back-and-forth, and sort of what

1 I mentioned about the escal- -- potential escalation of  
2 the situation rather than the de-escalation. And my  
3 goal -- our goal was to -- to reduce those points of  
4 conflict.

5 And so during that -- the day on -- on  
6 June 9th, we were seeing some of that interaction, some  
7 of which had carried over from -- from previously and  
8 some of the -- the hostility, and really that led to --  
9 that was like taunts and abuse, you know, verbal abuse  
10 that some of our staff had -- had experienced.

11 So I didn't -- I didn't perceive it to be an  
12 unsafe situation. I wouldn't have been there myself. I  
13 wouldn't have asked our staff to go. But I also had to  
14 respect and understand what Rodney -- the feedback  
15 Rodney was giving me, that he was starting to get  
16 from -- from that group of staff that he manages, that  
17 people were starting to feel concerned about the lack of  
18 SPD presence at that point.

19 Q. Okay. When you were -- when you were in the  
20 area in June of 2020, around the East Precinct, Cal  
21 Anderson, what time of day were you typically there?

22 A. I was there at lots of different times of day,  
23 and I would -- I made a point of it to -- to try to be  
24 there at various points. Sometimes I would be there  
25 very early in the morning. Sometimes I would be there

1 in the middle of the day. Sometimes I'd be there  
2 relatively late into the evening. So, you know, it was  
3 a -- it -- it was a range.

4 Q. Okay. So did you notice that the area had a  
5 different feel to it at different times of the day?

6 A. I did. I think during the -- you know, during  
7 the early morning hours, it was pretty quiet. There  
8 were, you know, people sleeping, very -- very few people  
9 walking through the area. And, you know, early morning,  
10 I was there as early as 4:00, 5:00, 6:00 in the morning  
11 sometimes.

12 In the middle of the day, it was much more  
13 active. There were lots of stuff going -- like regular  
14 neighborhood things going on at that point. There were,  
15 you know, people commuting to work. There were people  
16 going to -- to do what they needed to do, and they would  
17 go through that area.

18 On the weekends in particular, but also during  
19 the week, there would be people coming to -- to visit.  
20 They might have heard about what was going on, on the  
21 news, and they would come and see -- see it for  
22 themselves.

23 And then, you know, sort of late afternoon into  
24 evening, it would become a bit more active as a protest  
25 area, and there would be more people coming for the

1 purposes of protesting.

2 And then later into the evening, I think it  
3 would sometimes get louder and sort of more focused  
4 on -- on protests -- protest activities as well.

5 Q. Okay. What do you mean by getting louder in  
6 the -- in the later evening and into the night?

7 A. You know, I think people would play music --

8 MR. CRAMER: Form.

9 A. People would play music. They would -- there  
10 would be speeches with -- with amplifiers and things  
11 like that. There was, you know, sort of a bit more of  
12 a -- of a protest/party environment.

13 BY MR. WEAVER:

14 Q. Okay. Did you perceive that the area became  
15 less safe as -- as the evening and night wore on?

16 A. You know, I -- I wouldn't want to speculate on  
17 that. I -- we weren't having our -- our crews go and do  
18 any work sort of from the afternoon. That's partly due  
19 to their crew schedules, their -- their typical  
20 deployment.

21 So I was a little bit -- I was really focused  
22 on our -- our -- the safety of our workforce, and so it  
23 was mostly focused on the time of -- from that early  
24 morning period through sort of midafternoon.

25 Q. Okay. So did SDOT typically send in its

1 workers in the early morning and up to the afternoon?

2 A. Yes.

3 Q. Okay. And was that to avoid conflict with  
4 people in the area? Is that why you would --

5 (Simultaneous cross-talk.)

6 A. Yeah --

7 BY MR. WEAVER:

8 Q. -- that time?

9 A. No. That was -- well, that was primarily due  
10 to their existing crew schedules, you know, that  
11 people -- we have people coming on-site, and especially  
12 last summer, as we were responding to the COVID  
13 pandemic, we had people coming on-site to start work as  
14 early as 5:00, 6:00 in the morning, and -- and that  
15 typical sort of eight-hour shift is going until then  
16 2:00, 3:00 in the afternoon.

17 Q. Okay. I'd like you to look back at Exhibit 4,  
18 which I previously dropped in and marked.

19 A. Yep.

20 Q. And in the fifth bullet point of your email of  
21 talking points, you talk about how there's a very  
22 different feeling to the area during the day versus at  
23 night when, quote, there is a different feeling of  
24 access and, quote, security, unquote.

25 What did you mean by a different feeling of

1 access and security at night?

2 A. Well, I think this email, Monday, June 29th, I  
3 think would have been -- that was after the two -- I  
4 think both of the shooting incidents, at least the  
5 first -- the first incident that had happened.

6 And so there was -- but I think some of the --  
7 what we had seen -- what I had seen in the -- portrayed  
8 in the media as -- as being that this area was closed  
9 and inaccessible and taken over by protesters, was  
10 also -- was not accurate.

11 And so I was, I think, relaying my experience  
12 in some of those things. I think the -- the -- my  
13 quotes around the word "security" is sort of a  
14 perception around -- of -- of individuals and -- and  
15 their perception of security. Didn't reflect my  
16 experience, but I recognize that people have lots of  
17 different experiences.

18 Q. Were you ever there in the early morning hours  
19 of, like, 1:00 a.m. to 2:00 a.m., around that time  
20 period?

21 A. I was not present as -- as -- around 1:00 a.m.  
22 I think the earliest I was ever there, I think one  
23 morning I got there around 4:00, 4:30.

24 Q. Okay. And what was the latest that you recall  
25 being there at night?

1 A. Yeah, I don't think that I was there after  
2 probably 6:00 or 7:00 in any evening.

3 Q. Okay. Do you recall talking to residents or  
4 business owners in the area in June of 2020 -- and by  
5 the "area," I mean the area around the East Precinct and  
6 Cal Anderson Park -- where they told you that the  
7 situation was different at night?

8 A. I do.

9 Q. Okay. What do you recall --

10 A. I do --

11 Q. -- about those situations?

12 A. So I recall that there were, you know,  
13 people -- people expressed concern about whether there  
14 were armed individuals in the area in particular. That  
15 was -- that was most of what I remember there being  
16 expressed as concern.

17 Q. Okay. Do you re- -- do you recall talking to  
18 any residents or businesses in June of 2020 who  
19 expressed that they did not feel safe being there during  
20 the night hours?

21 A. I mean, I don't -- I don't recall specific  
22 instances, but I -- you know, I -- I think those were --  
23 that was part of what -- what I heard in some of those  
24 various -- those various conversations, was sort of a --  
25 a different -- a sort of different feeling in the



1 evening. I think that's reflected in -- in some of  
2 these -- this message as well.

3 Q. Okay. These are actually talking points,  
4 again, that you drafted to be given out publicly;  
5 correct?

6 A. That's right.

7 Q. Okay. Going back to Exhibit 6, and your text  
8 from June 9, 2020, at 8:03 p.m. -- whoops. I just lost  
9 it.

10 Okay. So you indicate that, We do not -- we  
11 don't want to get into a, quote, occupy, unquote,  
12 situation.

13 Do you see that?

14 A. Yes.

15 Q. What did you mean by "occupy situation"?

16 A. I think Rodney and I had talked about the  
17 concerns with, you know, recalling back to Occupy New  
18 York or Occupy Wall Street, where there was sort of a  
19 longer-term protest occupation, quote -- and again, I  
20 used occupy with -- with quotes, where there were --  
21 were streets that were blocked off.

22 And -- and I -- you know, I was -- had no  
23 involvement in the Occupy Wall Street sort of operations  
24 and -- and management, but I think neither of us wanted  
25 to get into a situation sort of, of what we understood

1 that to have been, where there were -- where, you know,  
2 there was a longer-term -- longer-term occupation of  
3 streets that then required some police activity to -- to  
4 clear out.

5 Q. So you were concerned, on the morning of -- or  
6 I'm sorry -- on the evening of June 9th, that there  
7 was -- that this was turning into a long-term occupy  
8 situation; is that right?

9 MR. CRAMER: Objection. Form.

10 A. I think we -- I -- I think we wanted to -- we  
11 wanted to avoid that that -- that could become the  
12 long-term situation, not that -- not that it was at that  
13 point.

14 BY MR. WEAVER:

15 Q. Did you -- do you feel that it became that sort  
16 of situation later on?

17 A. I don't. I feel like the continuous engagement  
18 from that very first day of June 9th through the end of  
19 June meant that it was a very different sort of -- it  
20 was very different from -- from -- from that.

21 I was present, sort of leadership from various  
22 City departments was present throughout and made --  
23 established an understanding and relationships with  
24 people that were -- were leaders on the protest side  
25 that helped express the public responsibilities and the

1 (Exhibit No. 7 marked.)

2 E X A M I N A T I O N (Continuing)

3 BY MR. WEAVER:

4 Q. All right. I am going to bring another  
5 document into the chat in a second here. This will be  
6 Exhibit 7.

7 Let me know when you have it up.

8 A. I have it up.

9 Q. Okay. So first of all, do you recognize this  
10 document?

11 A. Yes. I believe this is an email from Laurel  
12 Nelson, who was acting director of Office of Emergency  
13 Management, including myself and a number of other  
14 cabinet members.

15 Q. Okay. Around this time, June 9th, June 10th,  
16 June 11th, were you involved in regular cabinet meetings  
17 with the mayor's office and other department heads?

18 A. Yes.

19 Q. Okay. And about how frequently were you having  
20 these meetings in that time period?

21 A. They were -- they would be pretty frequent. I  
22 think they were somewhat regular. Then we would have  
23 some -- sometimes when -- it wasn't -- wasn't daily  
24 always, but there would be some -- some times when it  
25 was multiple times a day, even.

1 Q. And so that continued throughout June of 2020?

2 A. Yes.

3 Q. What was your understanding of the purpose of  
4 these meetings?

5 A. The purpose of these meetings was to share  
6 information and really report out on -- on what  
7 activities were going on among -- among all the  
8 departments that were responding, and to make sure that  
9 there was understanding with the -- with the mayor's  
10 office, as well, about what was -- what was happening.

11 Q. Okay. So do you recall being in any meetings  
12 in which Mayor Durkan, herself, participated during  
13 June 9th to July 1, 2020?

14 A. Yes, I do.

15 Q. Okay. About how many times do you think that  
16 was?

17 A. You know, I -- I couldn't -- I don't remember  
18 that with that specificity. It was certainly not  
19 every -- every meeting that we would have. And, you  
20 know, these meetings are very similar to the way that we  
21 respond to any kind of citywide emergency, a snowstorm  
22 or, you know, things of that nature. So it's a very  
23 typical operational strategy that we have as a city.  
24 And that includes times when the mayor joins those  
25 conversations as well.

1 Q. Sure. Can you give me an estimate of how many  
2 times you talked to the mayor about things related to  
3 the protests and the CHOP area between June 9th and  
4 July 1, 2020?

5 A. I would say maybe around a dozen times, if I  
6 had to -- if I had to put a number on it.

7 Q. Okay. Did you ever talk to the mayor directly,  
8 one-on-one, at any point?

9 A. I did.

10 Q. Okay. What -- what did you talk about with the  
11 mayor when you met?

12 A. The few times that I talked to her directly  
13 were around the specific SDOT-related actions that we  
14 were taking. So I believe on the -- the morning of  
15 June 16th, I think I spoke directly with her.

16 There were, you know, a couple of times when we  
17 were taking some of those direct actions with, you know,  
18 installing the ecology blocks or as -- and when we got  
19 to the point of removing them, I did speak directly with  
20 the mayor.

21 Q. Okay. Just to let her know what was going on  
22 and what was the plan?

23 A. Yes.

24 Q. Okay. Do you recall what her reactions were,  
25 for example, about the plan on June 16th?

1           A.   You know, I think specifically on June 16th, it  
2   was -- it was really status updates of when -- when  
3   things were going to be happening and when -- when we  
4   were -- when we were going to be operating. I don't --  
5   I don't recall her reaction to the -- to the plan.

6           Q.   Okay. How about, what were your conversations  
7   with her later on, after June 16th, about what SDOT was  
8   doing in the area?

9           A.   You know, I think we were -- we were continuing  
10  to -- to keep her abreast of what -- what activities  
11  were. I did participate in some of the -- there was,  
12  like, conversations about where -- you know, where  
13  things were going, what the -- you know, what -- what  
14  our activities as a city were. And those tended to be  
15  these larger group conversations.

16          Q.   Okay. Do you recall talking to her, yourself,  
17  about what you'd been hearing from residents and  
18  businesses in the area?

19          A.   I don't.

20          Q.   Okay. Do you recall communicating that to  
21  anybody in the mayor's office, what you'd been hearing?

22          A.   I know I probably did. There were probably  
23  some -- there were some -- some group discussions along  
24  with Chief Scoggins and -- and Mami Hara, where we were  
25  relating our -- our series of conversations. I don't

1 know if I recall specifics of -- of when and how.

2 Q. So let's go -- let's go to Exhibit 7. And do  
3 you happen to recall whether there was a phone call of  
4 the cabinet at 6:00 a.m. on June 10th?

5 A. Yes, I believe there was.

6 Q. Okay. And was it your understanding that  
7 Laurel Nelson was taking notes of those meetings and  
8 then distributing them at that time?

9 A. Yes.

10 Q. Okay. So I'd like you to go to Page 2 of this  
11 document. I want to ask you about a few things on it.

12 So in the middle in a larger font, it says,  
13 "Overall Objectives: Continuing the existing footprint  
14 of peaceful demonstration and rights."

15 Do you see that?

16 A. Yes.

17 Q. Okay. Do you recall a discussion about that  
18 during this cabinet meeting on June 10th?

19 A. I -- I do. I mean, this -- these notes sort of  
20 reflect that, but yes. The -- there was sort of a --  
21 a -- this was the day after that June 9th date of -- of  
22 being there.

23 And so at that point, you know, there was a  
24 sort of regular -- there was a group of people who were  
25 pretty committed to staying in front of the East

1 Precinct and continuing the protest activities right  
2 there.

3 Q. Okay. So whose objective was it to continue  
4 the existing footprint?

5 A. I think it was a shared City-wide objective  
6 in -- in that conversation of -- in that direction  
7 towards de-escalation of making sure the people were --  
8 had that continued opportunity for protests, and that  
9 we -- that that could be done in a safe way.

10 Q. Okay. Paragraph 1 are -- are a few items here  
11 that indicate that it was the lead -- SDOT was the lead.

12 Do you see that?

13 A. Umm --

14 Q. 1.1 and 1.2, paragraphs there?

15 A. Right. So we were the lead on the physical  
16 modifications to the footprint as the responsible  
17 parties for the right-of- -- you know, the street  
18 right-of-way. We were -- we were the lead on those  
19 physical modifications.

20 Q. And so was the City's goal at this point to  
21 remove the non-SDOT barriers and replace them with SDOT  
22 barriers?

23 A. Yes.

24 Q. Okay. And --

25 A. You know, I just -- sorry --



1 Q. Go ahead.

2 A. -- if I can just clarify that a little bit, is  
3 to say that those non-SDOT barriers were the things that  
4 were not typically used as traffic control, but -- and  
5 things like the bike rack barriers and other sort of  
6 irregular barricades, but to restore a traffic pattern  
7 that maintained our core responsibilities around  
8 providing public access and -- and ensuring services  
9 could be delivered.

10 Q. Okay. What -- 1.2 says, "Pivot this into a  
11 street closure."

12 Do you understand what that -- what that meant?

13 A. Yeah. So I think this was -- you know, we  
14 had -- we had -- rather than having -- there was --  
15 there were these sort of, again, irregular barricades  
16 that were blocking off certain streets, while others  
17 remained open in certain ways.

18 So we wanted to turn those irregular things  
19 into something that was a more regular traffic pattern.  
20 And that's -- there's a couple of reasons for that.  
21 One, it's the -- the reason why -- you know, we could --  
22 we -- sort of standard materials or other ways that we  
23 could put -- sort of regularize those -- the -- the  
24 traffic pattern.

25 And then also we communicate regularly out to

1 the public and -- through things -- platforms like  
2 Google Maps and others about when we have a regular  
3 street closure, "This street is closed." And so that  
4 can go into their routing software, that we can sort of  
5 push out that information.

6 And we wanted to have a -- a regularized street  
7 closure so that we could do those sorts of things and  
8 make sure there was public information available to --  
9 to enable residents and businesses to be able to --  
10 to -- to function normally.

11 Q. So did SDOT report to Google and other mapping  
12 services that there were closures in the area?

13 A. We did. I don't know the exact timing of when,  
14 but we did -- we did communicate.

15 Q. Okay.

16 A. And I would say, again, those -- those -- you  
17 know, it was important for us, even -- you know, we  
18 discussed previously local access. If you had a -- a --  
19 an address within that area that was local access and  
20 you were putting it into a routing software, you could  
21 still -- it wouldn't tell you, you can't get to that  
22 site. It would tell you, here's how you get to that --  
23 that location.

24 But it also -- in theory, when we -- when we do  
25 that, it's not routing people through that area if we've

1 made it local access. And we have that sort of ongoing  
2 relationship and response- -- you know, working  
3 relationship with those software providers.

4 We have a number of streets that, in the midst  
5 of the pandemic, we turned into local access only. We  
6 called them "Stay healthy streets." We communicate. So  
7 those -- those streets are open to people who live on  
8 those streets, deliveries and things like that, but  
9 they're not -- people aren't routed onto those streets  
10 if they're through traffic. So those mapping providers  
11 work with us on -- on communicating that information out  
12 to users.

13 Q. So I just want to be clear. So if -- with the  
14 routing that was done for this particular area in and  
15 around East Precinct and Cal Anderson that was local  
16 access only, if somebody put in there that they wanted  
17 to go to a particular destination, and the normal route  
18 would be for them to take 12th Avenue through the Pike  
19 and Pine area, the software would route them somewhere  
20 else; is that correct?

21 A. If it was outside. If it was just -- if they  
22 were just through traffic coming through on 12th, you  
23 know, from Olive to Union, it would send -- it would  
24 send them up to -- I think it was probably sending them  
25 to 13th. But if it was someplace within that area, it

1 would send them to that area.

2 Q. Okay. I'd like you to go down to the second  
3 page, and -- where it says, "Stated Department Desired  
4 Goals."

5 And it says a couple things by SDOT, which is  
6 the first bullet point.

7 Do you see that?

8 A. Yep.

9 Q. Okay. Were these concerns that you stated at  
10 this meeting on behalf of SDOT?

11 A. Yes.

12 Q. Okay. So you were a little concerned about  
13 sending the teams back in without having a game plan.

14 Do you see that?

15 A. Yes.

16 Q. Okay. What do you recall about that at this  
17 point?

18 A. So on the -- this goes back to some of what we  
19 had experienced on June 9th, in going to take out some  
20 of the barricades, and then being met with some -- some  
21 resistance from folks involved with the protests.

22 So I think we wanted -- and again, some of what  
23 we were starting to hear from some of our -- our  
24 represented employees through their labor representation  
25 around concerns related to -- to not having SPD present

1 vehicles.

2 BY MR. WEAVER:

3 Q. Okay.

4 A. Yeah.

5 Q. So you say regular traffic pattern. So even --  
6 you're talking about after June 16th and June 17th;  
7 right?

8 A. Yes.

9 Q. Okay. So the -- the area we had talked about  
10 earlier was local access only; correct?

11 A. Yes.

12 Q. There were signs up saying "Local access only"?

13 A. Yes.

14 Q. And there were -- there were still lanes of  
15 traffic blocked off; is that correct?

16 A. There were -- on -- in certain places, yes,  
17 there were.

18 Q. Okay. And the protesters were periodically  
19 moving barriers, especially at night, to areas where  
20 they had not previously been put; is that correct?

21 A. That was -- yes. That was my experience.

22 Q. And -- lost my train of thought. Sorry.

23 But you -- you considered that to be regular  
24 access to the area?

25 A. You know, I think my goal in -- in -- over the

1 course -- between the 9th and when -- until we got to  
2 the 16th, was to try to find a way for there to be  
3 regular access. Was there unimpeded, 24/7, complete,  
4 you know, normal access? I -- I don't -- I think it  
5 was -- it was a more fluid situation on the ground than  
6 that.

7 I think that there were -- my goal, in talking  
8 with protesters, in trying to move barricades, in trying  
9 to set up what we eventually did install on the 16th,  
10 was to preserve those important property access, goods  
11 movement, service -- services, and have a -- a sort of  
12 predictable, regular pattern that people could know what  
13 to expect when they -- when they came to that area.

14 Because it was -- you know, it was -- before  
15 that point, on the 16th, it was -- it was sort of  
16 constantly changing, and it was hard to know, as a  
17 resident, as a business, exactly what to expect.

18 That said, I don't know that -- I don't -- I  
19 don't know personally that people didn't have access.  
20 I -- it just wasn't -- it wasn't what I would consider  
21 to be regular and sort of typical of how we would -- we  
22 would set that up if it was a -- a -- an ongoing  
23 activity.

24 Q. Okay. And even with the barriers that had been  
25 put in place, protesters were still periodically in the

1 streets outside the area that had been designated by  
2 the -- by the eco barriers; is that right?

3 MR. CRAMER: Objection. Vague.

4 A. There were -- there were a lot of people there  
5 at various points especially. And so -- I mean, the --  
6 there were people that would be walking or -- but, you  
7 know, people are also sort of allowed to cross the  
8 street in various places. Once the signals weren't  
9 operating, people can cross in the midpoint of the  
10 block. It's not -- it's not jaywalking at that point.

11 So yeah, there were people -- there were a lot  
12 of people there at various points, and there were people  
13 sort of in -- in various places. I'd say once we had  
14 a -- a more regular traffic pattern, it was -- it was --  
15 it was more predictable for how it -- how it was all  
16 operating. But it was a -- you know, it was a pretty --  
17 it was a pretty fluid situation for, I'd say, the whole  
18 month of June, or in that area.

19 BY MR. WEAVER:

20 Q. Okay. Just as an example, you mentioned a  
21 press conference that you were at with Carmen Best.

22 Do you recall talking about that?

23 A. I was -- I was nearby. I wasn't --

24 Q. Okay.

25 A. -- with her. She -- she talked to the -- she

1 talked to some members of the media. I was nearby --

2 Q. Okay.

3 A. -- not part of the -- not part of the --

4 Q. You were present for her press conference;  
5 right?

6 A. Yes.

7 Q. Okay.

8 A. Yeah, that's correct.

9 Q. And you said that was at 12th and Pine.  
10 Do you remember that?

11 A. Yes.

12 Q. Okay. Do you recall that it was outside the  
13 barriers, but in the middle of the street?

14 A. Yeah, I -- I believe so.

15 MR. WEAVER: We've been going about another  
16 hour, so let's go -- let's go ahead and go off the  
17 record.

18 THE VIDEOGRAPHER: Going off the record.  
19 The time is approximately 12:19 p.m.

20 (Recess from 12:19 p.m. to 1:05 p.m.)

21 THE VIDEOGRAPHER: We are back on the  
22 record. The time is approximately 1:05 p.m.

23 E X A M I N A T I O N (Continuing)

24 BY MR. WEAVER:

25 Q. So I want to ask you, with regard to anything



1 with SPD.

2 You know, that -- that lasted until, I think,  
3 into the spring, until there was able to be put -- some  
4 fencing put up around the -- the East Precinct. So  
5 there were -- we put up some of those -- we reutilized a  
6 lot of the ecology blocks that we had put out in  
7 creating that traffic pattern. We -- we used those  
8 in -- in creating that wall between the precinct and the  
9 street.

10 Q. Okay. Let me ask you about the wall, while  
11 we're on it.

12 So SDO-- -- SDOT built that wall sometime --

13 A. Yes.

14 Q. -- after July 1, 2020; right?

15 A. Yep, yep.

16 Q. When do you recall that wall going in around  
17 the East Precinct?

18 A. It was right in that period, the first week of  
19 July.

20 Q. Okay. So am I correct in describing it as the  
21 wall was on the outside perimeter of the sidewalk around  
22 the East Precinct? Is that correct?

23 A. Yes.

24 Q. And it consisted of three or four layers of eco  
25 blocks at the bottom; correct?

1 A. I think -- I think there were two thick and  
2 three or four tall.

3 Q. Okay.

4 A. Four, I think -- four, maybe even five, tall.

5 Q. So it was two blocks deep; is that right?

6 A. Yes.

7 Q. And then four or five tall. And then on top of  
8 that, there was a chain-link fence that went up --

9 A. Yeah.

10 Q. How high was the chain-link fence, if you  
11 remember?

12 A. I think it was ten -- you know, the whole --  
13 the whole thing would have been up to a height of about  
14 ten to twelve feet.

15 Q. Okay. And it blocked off the sidewalk at both  
16 sides of that wall; correct?

17 A. It did.

18 Q. And it wrapped around the corner of 12th and  
19 Pine?

20 A. It did.

21 Q. What was the purpose of that wall?

22 A. So the purpose was, you know, part of that  
23 continued de-escalation, I would say, that same  
24 trajectory, that after the -- the protest area was  
25 removed, after the police went back into basing

1 operations out of the East Precinct, I think nobody --  
2 we, they, the whole city, didn't want to create another  
3 flash point for further protests between -- you know,  
4 sort of focused on SPD, but using the street.

5 So we -- we did install that wall as a way to  
6 sort of create that separation. They'd had some  
7 concerns, and I think some evidence of people attempting  
8 to burn down the precinct or throw incendiary devices  
9 toward the precinct, and so the wall really limited the  
10 ability to do that.

11 We eventually removed the wall after police  
12 were -- was able to install a fence right up against  
13 the -- the precinct that provided some of that same  
14 separation.

15 Q. Okay. So it -- that wall that you're talking  
16 about, before they got the fencing right next to the  
17 building, the wall that took up the sidewalk, that was  
18 in place until about April of 2021?

19 A. Yes.

20 Q. Okay. And your understanding was, that was  
21 because the police department thought there were threats  
22 to the building of the East Precinct during that time  
23 period?

24 A. Yes.

25 Q. Okay. Going back to June 9th and 10th and

1           A. I think -- you know, I -- I recall there being  
2 more -- more concern about the -- the level of damage  
3 than that it would be something that people would be  
4 sort of ongoing.

5           So I think maybe -- maybe permanent in this  
6 regard was referring to sort of the -- the permanency of  
7 the damage, but it may have been about -- other people  
8 may have had a -- a concern about the long-term  
9 residential activity within the park.

10          Q. Meaning the tents in the park?

11          A. Yeah.

12          Q. Okay. Do you recall there being discussion  
13 about whether to provide porta-potties to the park?

14          A. I do, as -- as indicated here in the notes. I  
15 remember there being some discussion about porta-potties  
16 versus -- both within the park and in the vicinity  
17 because there were a lot of people out for long periods  
18 of time, and a lot of businesses closed.

19          Q. What do you recall the discussions being about  
20 whether to provide or not provide porta-potty service to  
21 the area?

22          A. You know, I don't remember a whole lot about  
23 that, but I remember there being some -- some questions  
24 about -- about providing porta-potties versus, you know,  
25 what -- what it would mean from a -- from a waste

1 perspective if we didn't provide porta-potties.

2 Q. Okay. Do you recall anybody expressing  
3 concerns about what a -- about what message it might  
4 send to provide porta-potties to the area?

5 A. Yeah, I remember some -- some concerns. And  
6 again, this is similar to some of the other areas where  
7 there wasn't -- there wasn't unanimity of all opinions  
8 at all times.

9 Q. Okay.

10 A. There were some folks who felt like that that  
11 could -- could encourage people to stay longer than they  
12 might otherwise. I don't remember who took which  
13 positions, though.

14 Q. Okay. So you don't recall who was talking  
15 about them potentially being a problem for long-term  
16 residency?

17 A. I -- I -- I --

18 MR. CRAMER: Objection. Form.

19 A. Yeah. I don't. It was a little bit out of  
20 my -- my area of expertise, so was maybe not paying as  
21 close attention to that as I could have.

22 BY MR. WEAVER:

23 Q. Okay. Did you ever tour the area in and around  
24 Cal Anderson and East Precinct in June of 2020 with  
25 Mayor Durkan?

1           There also -- we really didn't talk about  
2           timeline for when that would -- when that would happen,  
3           when it would be removed. And I think there was a -- it  
4           felt, to me, like there was a shared understanding that  
5           immediately removing that wall could have some  
6           problematic effects in terms of re-creating that focal  
7           point for those protests.

8           BY MR. WEAVER:

9           Q.   Okay. So you talked about rolling protests  
10           that occurred for several months after CHOP in the  
11           Cal -- I'm sorry, in the -- yeah, the Cal Anderson and  
12           East Precinct area.

13                   Did I -- did I hear that correctly?

14           A.   Yes.

15           Q.   Okay. Did those --

16                   MR. CRAMER: Objection.

17           BY MR. WEAVER:

18           Q.   Did those continue until about the end of the  
19           year of 2020?

20           A.   I -- that's -- that's probably a fair  
21           assessment of how long they continued.

22           Q.   Okay. Was there any discussion that you're  
23           aware of at the City as to why those protests were  
24           continuing in that particular area through 2020?

25                   MR. CRAMER: Objection. Form, foundation.

1 A. Yeah, I don't remember speculating on that. I  
2 think that it -- because of the -- the summer protests,  
3 it became -- it was still a place where people would  
4 sort of organize and -- and depart from.

5 I think throughout, both in the midst of the  
6 summer and through the -- through the rest of the summer  
7 and the fall, people would come from citywide to -- to  
8 Capitol Hill for those protest activities, even in the  
9 midst -- even when there was -- in June, you know, it  
10 wasn't that everybody who was protesting was -- also had  
11 a tent in Cal Anderson Park.

12 It was -- people would come there at various  
13 points of the day and then leave at various points of  
14 the day. And some people would stay there 24 hours a  
15 day, but some people would arrive and -- and depart as  
16 they're able to do.

17 So it was not sort of a -- it wasn't solely  
18 self-generated of being from within the park and in  
19 front of the precinct. It was -- it -- I think it was  
20 more of a citywide and even regional thing, that people  
21 would come to Capitol Hill for -- for some of those  
22 protest activities.

23 BY MR. WEAVER:

24 Q. Okay. Do you -- do you know whether there was  
25 any discussion about whether the protest activity in

1 that area around Capitol Hill and Cal Anderson was  
2 related to the ongoing encampment in Cal Anderson Park?

3 MR. CRAMER: Objection. Form, foundation.

4 A. I -- I don't remember there being that -- that  
5 conversation. It felt, as we got into the later summer,  
6 into the fall, that those were sort of two separate sets  
7 of issues. They may have been related, but they were  
8 two separate sets of issues.

9 BY MR. WEAVER:

10 Q. Do you -- were you parti- -- were you involved  
11 in any discussions about whether the -- whether Cal  
12 Anderson Park should be cleared out again in December of  
13 2020?

14 A. I was not involved in those discussions in --  
15 in -- later in 2020.

16 Q. Were you aware of them in -- later in 2020?

17 A. Yeah, I -- I -- I was sort of aware that they  
18 were happening. SDOT has a -- has a role, along with  
19 Parks, in addressing some of our issues stemming from --  
20 from homeless encampments.

21 And we have a long working relationship with  
22 Parks on how to do some of the -- the major sort of  
23 initiatives that happen at -- related to homeless  
24 encampments.

25 And that's primarily because we have some



1 very early in the morning, 5:00 or 6:00 a.m. More  
2 people started coming towards -- towards us. And then  
3 once they saw the police there, they -- you know, even  
4 more -- sort of larger crowds started to form. And  
5 people took more -- sort of more of a defensive posture  
6 around some of the barriers in the -- the area that  
7 people had been -- like around the East Precinct.

8 Q. So what were the -- some of the defensive  
9 postures that people in the crowd took?

10 A. I mean, they were just like, you know -- like  
11 lying down on top of the barriers, trying to block  
12 access and -- and things like that.

13 Q. Okay. So were they doing anything to try to  
14 block access, other than lying down?

15 A. No, I don't -- I mean, I don't remember them  
16 doing anything other than that.

17 Q. Okay. You said you went in at 5:00 or  
18 6:00 a.m. Why did you choose to go in at 5:00 or  
19 6:00 a.m.?

20 A. That was a time when it was generally quieter.  
21 That was the earliest that we could mobilize our -- our  
22 staff and recognize that this would be a sort of full  
23 department response in terms -- or not full department,  
24 but full -- full crew response in terms of accomplishing  
25 the activities within the course of a day.

1 And whenever we sort of waited until later  
2 morning or even into the afternoon to sort of start  
3 activities, we would have a hard time having a full  
4 complement of staff available, and we'd have sort of  
5 more people around.

6 And we'd learned that from the installation of  
7 the traffic control plan on June 16th and 17th, we'd  
8 sort of learned it throughout our engagement over the  
9 month of June.

10 Q. That generally going --

11 (Simultaneous cross-talk.)

12 BY MR. WEAVER:

13 Q. That generally going in early in the morning,  
14 you were likely to have less of the conflict that you'd  
15 have later in the day or in the night; is that right?

16 A. Right. Right.

17 Q. So --

18 A. Also, in the sense of -- just -- you know, just  
19 to clarify that just a little bit, you know, some of  
20 this was also that, when there were fewer people there,  
21 we had a little bit of an easier time communicating with  
22 people that spoke on behalf of the protest organizers;  
23 that, when there were more people there, there were more  
24 people who would sort of step in and say, well, you  
25 didn't talk about this with me. You only talked about

1 it with that person over there. You didn't talk -- you  
2 know, that there was a much more decentralization of  
3 decision-making, and so that made it harder to sort of  
4 move things forward. When we could do some of that  
5 earlier in the morning, there was a bit -- we could have  
6 a bit more focus.

7 Q. Okay. I want to go back to Exhibit 12, which  
8 deals with the 16th and the implementation of the  
9 barriers.

10 Towards the end of that same -- second full  
11 paragraph on Page 2, you indicated that, "More than once  
12 I communicated the need for us to pause and prepare to  
13 withdraw if necessary."

14 Do you see that?

15 A. I do.

16 Q. And can you describe to me what you were  
17 communicating and why you were communicating it?

18 A. Well, you know, I think, as we saw some of  
19 those reaction- -- those -- those reactions and those  
20 interactions, like I -- I just -- I really wanted to  
21 make sure that our staff was able to do their work and  
22 was able to do the other work that they would need to do  
23 the next day citywide.

24 And if we had -- if we got to the point of  
25 conflict, we would have a labor problem overall, and we

1 Q. I just want to make sure you're on -- okay. So  
2 you indicated this about 7:00 in the morning on  
3 June 19th, that they had a couple water barriers across  
4 Pine between 11th and 12th.

5 What were you referring to there, if you  
6 recall?

7 A. So yeah, this is something that would -- would  
8 happen occasionally, sort of that there would be some  
9 things sort of moved in the -- in -- into -- in the way  
10 of traffic.

11 And -- and it was like -- you know, I think I  
12 say, that last sentence, "They are still soft closing  
13 streets overnight." And I think this would be -- you  
14 know, people would put some things into the street.

15 You could -- you could move them -- like, I  
16 could walk up and just move them out of the way. But  
17 they -- they could have been perceived as -- as not  
18 allowing access.

19 But they weren't -- they weren't act- -- they  
20 were not filled with water. They were -- I could move  
21 them out of the way myself. But that would happen in  
22 different places at different times, and it would tend  
23 to happen when it was -- in the sort of overnight hours.

24 Q. So it was typically overnight that they would  
25 do these soft closings?

1 A. Yes.

2 Q. Okay. And -- I mean, if somebody didn't go up  
3 to the barrier and try to move it, they wouldn't  
4 understand that it could be moved; is that right?

5 MR. CRAMER: Objection. Form. Speculation.

6 A. That's -- that's probably right. You know, it  
7 also was -- they sometimes would -- you would -- you  
8 could drive through, but you had to sort of be a bit  
9 more circuitous.

10 So I don't -- I don't remember exactly how  
11 they -- like what the configuration was of -- of some of  
12 those things, but -- and it -- it was different in  
13 different places at different times.

14 BY MR. WEAVER:

15 Q. Did you find that typically, when they were  
16 moved overnight, they would be into lanes of traffic  
17 that had previously been attempted to be open?

18 A. Sometimes, and sometimes it would be over one  
19 lane, but not the second lane, or one direction, but not  
20 the other direction of travel. I -- it was -- it was  
21 a -- I think it was a consistently evolving situation  
22 through that whole week.

23 Q. Okay. And so we talked about the plywood too.  
24 Would the plywood be basically placed in the same areas  
25 that the orange water barriers might?

1 A. Yep. Yes.

2 Q. And again, typically at night?

3 A. Yes.

4 Q. At some point there was a switch from keeping  
5 the modified footprint that existed on June 16th and  
6 17th, that you installed on those days, and moving a  
7 couple weeks later to move everything out.

8 Do you recall what the impetus was for that  
9 movement?

10 A. I don't know if there was a -- I don't know  
11 what -- if there was a specific thing that happened.  
12 You know, I think some of -- some of this, the -- the  
13 sort of continued shifting of things, you know, it -- it  
14 felt like, from my perspective -- I can only speak for  
15 myself at this point, but it felt from my perspective  
16 like it was un- -- unlikely that we would ever in -- in  
17 this -- so this approach reach enough stability and  
18 predictability that me, Mami, Chief Scoggins, like we  
19 would be able to not engage at the level we were  
20 engaging.

21 And the level we were engaging in order to  
22 ensure public services was, from my perspective, not  
23 sustainable in the long term, that the -- that the level  
24 that we were spending -- level of time meant that it was  
25 challenging to do the rest of our jobs because we were

1 committed to ensuring public services and access in  
2 Capitol Hill. There's a whole city that I'm responsible  
3 for, not --

4 Q. Sure.

5 A. -- three blocks.

6 Q. So Chief Scoggins is the fire chief for the  
7 entire city; right?

8 A. Right.

9 Q. And Mami Hara was -- was the director -- I  
10 think she's left -- for all of Seattle Public Utilities;  
11 right?

12 A. Right.

13 Q. And you were the head department -- head of the  
14 SDOT for the entire city; right?

15 A. That's right.

16 Q. And all three of you were spending either all  
17 day or a good portion of your days for about three or  
18 four weeks in the Capitol Hill neighborhood around Cal  
19 Anderson Park; right?

20 A. That's right.

21 Q. And you felt that was necessary to keep  
22 services at -- at some sort of reasonable level in the  
23 neighborhood; right?

24 MR. CRAMER: Objection. Form.

25 A. I felt like it was important to -- to -- yeah,

1 to preserve our -- our public responsibilities of -- of  
2 access and -- and services and movement of people and  
3 goods.

4 BY MR. WEAVER:

5 Q. Okay. And did you notice a change in the shift  
6 of the priority to clear out the area after shootings  
7 that occurred in the area on June 20th and June 21,  
8 2020?

9 A. I think that that potentially played into it.

10 Q. How do you think that played into it, and what  
11 was your perception of why it played into it?

12 A. You know, I -- I don't want to -- I don't want  
13 to speculate on -- on why it played into it for others.  
14 I -- it -- to me, it felt like things at that point --  
15 you know, I've talked about how our goal was to -- was  
16 continued de-escalation of conflict and looking for sort  
17 of a return to regular operations.

18 I think some of those -- there -- there  
19 became -- or it seemed like we were heading towards an  
20 inflection point where we would not be successful in  
21 de-escalating, and there could be opportunities for  
22 escalating conflict, whether between -- you know, it  
23 started out as between protesters and police.

24 It seemed like perhaps that was changing into  
25 among protesters, or a lot of uncertainty about what was



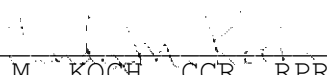
## C E R T I F I C A T E

STATE OF WASHINGTON

COUNTY OF PIERCE

I, Cindy M. Koch, a Certified Court Reporter in  
and for the State of Washington, do hereby certify that  
the foregoing transcript of the deposition of Samuel  
Zimbabwe, having been duly sworn, on October 28, 2021,  
is true and accurate to the best of my knowledge, skill  
and ability.

IN WITNESS WHEREOF, I have hereunto set my hand  
and seal this 5th day of November, 2021.

  
\_\_\_\_\_  
CINDY M. KOCH, CCR, RPR, CRR

My commission expires:

JUNE 9, 2022